

#99

August 15, 2011

## Late Backup

Via Fax  
Mayor and City Council  
Austin, Texas

RE: Request for Postponement of Agenda Item #99  
(C14-2011-0058, 707 West Ave. rezoning) and  
Opposition to Said Rezoning.

Dear Mayor and Council Members:

I. Postponement.

Three individual property owners spoke against the above referenced rezoning application at the July 26, Planning Commission meeting. Of those three property owners (James Powell and Ben Procter immediately adjacent to Cirrus property and Blake Tollett neighborhood property owner) none can be present at the August 18 Council Meeting.

Thus, in order to participate in this important decision, to express concerns about the proposal, and to respond to any Council questions; we respectfully request postponement of the matter. None of the objectors has previously sought postponement.

II. Opposition to Rezoning (by Procter).

1. My property (MF-4) is directly adjacent to the subject tract. I have used it as single family for six years, and it has been residential since 1948.
2. CS zoning is inappropriate and incompatible with residential at this location.
3. During the years-long ROMA and Downtown Austin planning, CS zoning was never contemplated or recommended for this area of the "NW District." Rezoning to CS would represent terrible policy making in the face of so much "planning" to the contrary.
4. Conditional Overlay (even restricted covenant) are inadequate protections for surrounding properties. Please remember that before Cirrus owned the now office location at 6<sup>th</sup> and West, that property was rezoned. In 2005, representatives of the neighborhood agreed with the then-developer to a mixed-use residential condominium. That residential project became Cirrus's office building, i.e., "agreements" were not enforced.

5. At Planning Commission, Cirrus stated that the rezoning was "convenient" for its offsite electronic testing. This is a remarkable comment in at least two ways. First, convenience is unpersuasive as a basis for such dramatically different zoning. Second, apparently Cirrus is using first-floor space in its headquarters for a restaurant—instead of for electronic testing. Both suggest poor usage-planning by Cirrus.
6. At Planning Commission, Cirrus stated that the "planned for" electronic testing would be safe and quiet. More than verbal expressions concerning Cirrus's testing are needed. At a minimum, hard data are required.
7. CS zoning has at least the potential, if not the certainty, of destroying my property's residential use. Even worse, if CS is granted for Cirrus, the door is opened wide for others.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Ben Procter", with a long horizontal flourish extending to the right.

Ben Procter